



U.S. Department of Justice

United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

May 3, 2023

The government's request is granted. IT IS HEREBY ORDERED THAT the parties shall appear before the Court for a bail hearing on Friday, May 5, 2023 at 3:30 p.m. in Courtroom 20C at the Daniel Patrick Moynihan Courthouse, 500 Pearl Street, New York, New York 10007.

**BY ECF AND EMAIL**

The Honorable Richard J. Sullivan  
United States Circuit Judge  
United States Court of Appeals  
for the Second Circuit  
New York, New York 10007

SO ORDERED:

Dated: 5/3/2023

  
RICHARD J. SULLIVAN  
U.S.C.J., Sitting by Designation

Re: ***United States v. Richard Marrero, 11 Cr. 752 (RJS)***

Dear Judge Sullivan:

The Government writes to respectfully request that the Court schedule a conference at the Court's earliest convenience to modify the conditions of the defendant's supervised release pursuant to Rule 32.1 of the Federal Rules of Criminal Procedure and Title 18, United States Code, Section 3142. As explained below, at the conference the Government intends to seek revocation of the defendant's bail and his immediate detention pending the resolution of the alleged violations of supervised release.

On February 21, 2023, the defendant was charged by complaint with one count of bank robbery in violation of Title 18, United States Code, Section 2113 (the "Complaint"). *See U.S. v. Marrero*, 23 Mag. 1374, Dkt. 1. On February 22, 2023, the defendant was presented before the Honorable Valerie Figueredo and detained on consent. *Id.*, Dkt. 3.

On or around February 24, 2023, the United States Probation Officer for the Southern District of New York issued a violation report containing one specification (the "February 24, 2023 Violation Report"). The specification in the February 24, 2023 Violation Report mirrors the Complaint and charges the defendant with committing a bank robbery in violation of Title 18, United States Code, Section 2113. On March 15, 2023, Judge Figueredo granted the defendant's bail motion and imposed the following conditions of pretrial release, upon which the parties had agreed:

- \$50,000 bond signed by two financially responsible individuals
- Home incarceration with GPS monitoring
- Strict pretrial supervision with drug testing and treatment
- Mental health treatment as directed by pretrial services
- Travel restriction to the Southern District of New York and the Eastern District of New York
- Surrender of travel documents and a bar on new applications

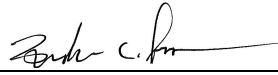
- Maintenance of residence at his address
- Bar on possession of firearms, destructive devices, and other weapons

On April 6, 2023, the defendant appeared before Your Honor regarding the February 24, 2023 Violation Report. At this conference, the defendant, with the Government's consent, moved the Court for bail pending resolution of the specification in the February 24, 2023 Violation Report. The defendant's bail package consisted of the same terms as the package that Judge Figueredo granted. The Court, largely due to the defendant's medical needs, granted the defendant's bail motion, except that Your Honor restricted the defendant's travel to the Southern District of New York. On April 19, 2023, the defendant was released from custody. On May 2, 2023, the United States Pretrial Services Officer for the Southern District of New York informed the Government that the defendant submitted a urinalysis on or around April 25, 2023 that tested positive for Fentanyl. On May 3, 2023, the undersigned spoke to the defendant's pretrial services officer. During this conversation, the pretrial services officer informed the undersigned that the defendant submitted a urinalysis on May 2, 2023 that tested positive for Fentanyl.

The defendant's conduct—using fentanyl within approximately two weeks of release from custody—not only reflects a failure to abide by his pretrial conditions, but also a significant violation of the Court's trust. In light of the defendant's violating his bail conditions, the Court's trust, and the law, the Government respectfully requests that the Court schedule a conference at the Court's earliest convenience, at which the Government intends to seek detention pending the resolution of the alleged violations of supervised release. *See* 18 U.S.C. §§ 3142(g), 3148(b).

Respectfully submitted,

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York

By:   
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cc: Alain Massena, (by ECF and email)